UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

Arthur D'Amario

Petitioner

CR 99-24S
CA 08-338

vs.

United States of America

Respondent

TRANSFER ORDER

This Court's records show that the Petitioner has brought a previous application for relief under 28 U.S.C. § 2255. See *(Arthur D'Amario Vs. USA CA00-270T, CA00-316;CA01-097;CA03-130; CA04-328; CA05-208; CA05-340, CA07-130).* 28 U.S.C. § 2244(b)(3)(A) states:

> "Before a second or successive application permitted by this section is filed in the District Court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application."

Since it appears that the Petitioner filed the instant application in this Court, unaware that the statute requires that permission, first, be obtained from the Court of Appeals, this matter is hereby transferred to the United States Court of Appeals for the First Circuit in the interest of justice. 28 U.S.C. § 1631.

By Order,

Wendy Geib
Deputy Clerk

ENTER:

William G. Young
William Young
United States District Judge
Dated: September 11, 2008